

October 20, 2014

Mr. Lewis Koski
Director, Marijuana Enforcement Division
Colorado Department of Revenue
455 Sherman Street, Suite 390
Denver, Colorado 80203

Dear Director Koski:

Thank you for the leadership you have shown in advancing a slow, deliberate, safety-first direction for Colorado's retail marijuana industry. We appreciate the difficult task you have at hand, and appreciate your work.

You and others are currently in the process of setting a framework to implement HB 14-1366-- legislation aimed at curbing the development and sale of dangerous edible marijuana products. We write to you as the prime sponsors of HB 1366 to convey the intent behind the legislation and the outcomes we aimed to achieve.

The major impetus for HB 1366 continues to hold true-- we want to protect children and unwitting adults from becoming victims of accidental marijuana ingestion.

The tools advanced in HB 1366 do not prohibit the industry from producing any type of product. The bill does require marijuana product manufacturers to mark their products so the products can be easily identified as containing marijuana. It is imperative, and was our intent in enacting HB 1366, that the products themselves, and not the products' packaging, bear the symbol mandated in the bill. One year before enacting HB 1366, the General Assembly enacted HB 13-1317. Section 5 of HB 13-1317 requires that marijuana product packaging bear a symbol indicating that the package contains marijuana (this requirement is codified at Colo. Rev. Stat. § 12-43.4-202(3)(a)(vii)(O)). The General Assembly did not pass HB 1366 to simply repeat itself. HB 1366 was intended to require that the products themselves bear a symbol, not the products' packaging.

Furthermore, in drafting and passing HB 1366, we intended that if it is possible, by any means, to apply a symbol to an edible product, manufacturers must do so. The "when practicable" language in HB 1366 was not included to serve as a wholesale exemption that would allow manufacturers to continue putting our children at risk by side-stepping the protections implemented in HB 1366. A common symbol, color, and shape were each contemplated in drafting and passing HB 1366. We anticipated that the marijuana industry would incur costs and challenges marking their products with a symbol. However, we conceived and passed HB 1366 because the public safety threats posed by "look-a-like" marijuana edibles had to be addressed in spite of the costs and challenges the industry would incur. In the end, we intended HB 1366 to require that product manufacturers apply a symbol to their products if doing so is possible by any means.

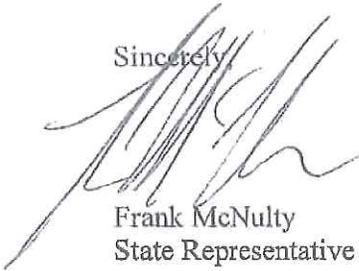
The objective behind HB 1366 was simple; let's protect both children and adults from accidental marijuana ingestion. The Marijuana Enforcement Division's charge is to follow the directive

promulgated in HB 1366, and require that product manufacturers apply a symbol to their products when doing so is at all possible.

Thank you for your time and consideration. Please share our thanks to those on the task force dedicating their time to this critical public safety endeavor. Please feel free to contact any of us should you have questions.

And thank you again for your work on behalf of the people of Colorado. It is noticed and appreciated.

Sincerely,



Frank McNulty
State Representative
House District 43



Jonathan Singer
State Representative
House District 11



Michael Johnston
State Senator
Senate District 33

CC: Barbara Brohl, Executive Director, Colorado Department of Revenue.
Ron Kammerzell, Senior Director of Enforcement, Colorado Department of Revenue.
Andrew Freedman, Director of Marijuana Coordination, State of Colorado.
Gina Carbone, Smart Colorado.